

DISPOSITION: February 15, 1954. Weldona, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the form letters be destroyed under the supervision of the Department of Health, Education, and Welfare.

4336. Misbranding of Massarelli's Salnate tablets. U. S. v. 6 Dozen Cartoned Bottles * * *. (F. D. C. No. 34669. Sample No. 51391-L.)

LIBEL FILED: February 17, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1953, by Manhattan Drug Co., Inc., from Brooklyn, N. Y.

PRODUCT: 6 dozen cartoned bottles of *Massarelli's Salnate tablets* at Bayonne, N. J.

LABEL, IN PART: (Carton and bottle) "Massarelli's Salnate For Relief of Symptoms Arthritis Rheumatism Active Ingredients: Calcium Succinate Acetylsalicylic Acid Ascorbic Acid 5 mg. Thiamin Chloride 1 mg. * * * 100 Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label, the bottle carton, and on a counter display box were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism and lumbago.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient since aspirin was an active ingredient of the article and was declared as acetylsalicylic acid, which is not its common or usual name.

DISPOSITION: Manhattan Drug Co., Inc., appeared as claimant and filed an answer denying the allegations of the libel. A request for answers to written interrogatories thereafter was served by the Government upon the claimant. The claimant failed to object or respond to such interrogatories within the time provided by the Federal Rules of Civil Procedure. Accordingly, on March 8, 1954, the court ordered that the Government's motion to strike the claimant's pleadings be granted. On the same day, namely, March 8, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

4337. Misbranding of concentrated extract of alfalfa. U. S. v. 6¼ Cases, etc. (F. D. C. No. 35338. Sample No. 64598-L.)

LIBEL FILED: July 6, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about January 16, 1953, by Lucerne Laboratories of Utah, from American Fork, Utah.

PRODUCT: 6¼ cases, each case containing 24 8-ounce bottles, of *concentrated extract of alfalfa* at Seattle, Wash., together with a number of circulars entitled "Lucerne (Lucerne is the Old World name for Alfalfa)."

LABEL, IN PART: (Bottle) "Lucerne Concentrated extract of alfalfa (Medicago Sativa). It is a Dietary Supplement * * * One teaspoonful (5 mls) contains: 12.5 Mg. Calcium, 12 Mg. Phosphorus, 0.00586 Mg. Iron, 0.0069 Mg. Iodine * * * Lucerne contains sucrose which (in the process) is converted to Delta-Glucose and Fructose" or "Lucerne Concentrated extract of alfalfa, containing Cobalt, the vital element in Vitamin B₁₂. The Cobalt is from specially fertilized alfalfa, not a Pharmaceutical—and Sucrose which (in the process) is converted to Delta-Glucose and Fructose * * * It is a Beverage Food Supplement."